

1 Dane W. Anderson, Esq.
2 Nevada Bar No. 6883
WOODBURN AND WEDGE
3 6100 Neil Road, Suite 500
4 Reno, NV 89511
5 Telephone: 775-688-3000
Facsimile: 775-688-3088
danderson@woodburnandwedge.com

6 Michael Carrico
7 Smidt, Reist & Keleher
8 4811A Hardware Dr. NW, Suite 4
Albuquerque, NM 87109
Telephone: 505-830-2200
9 Facsimile: 505-830-4400
mcarrico@srlawnm.com

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11 Attorneys for Defendants/Counterplaintiffs/Third Party Plaintiffs
The Eljen Group, LLC,
12 Elven E. Jennings, Jack Elkins,
Frank Lente and Steve Harper

13
14 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

15 NO. 8 MINE, LLC,

16 Plaintiff,

17 v.

18 THE ELJEN GROUP, LLC,
ELVEN E. JENNINGS, JACK ELKINS,
FRANK LENTE, AND STEVE HARPER,

20 Defendants.

Case No.: 3:18-cv-00104-WGC

22
23 STIPULATION TO FILE THE ELJEN
GROUP, LLC'S, ELVEN E. JENNINGS',
JACK ELKINS AND STEVE HARPER'S
2ND AMENDED COUNTERCLAIMS
AND THIRD PARTY CLAIMS
PURSUANT TO FRCP 15(a)(2)

25 THE ELJEN GROUP, LLC, ELVEN E.
JENNINGS, JACK ELKINS, FRANK
LENTE, AND STEVE HARPER

26 CounterPlaintiffs,

v.

27 NO. 8 MINE, LLC

28 CounterDefendant.

1 THE ELJEN GROUP, LLC, ELVEN E.
2 JENNINGS, JACK ELKINS, FRANK
3 LENTE, AND STEVE HARPER

4 Third Party Plaintiffs,
5 v.

6 DAVID TACKETT, ARGENT ASSET
7 GROUP, LLC, and ROBERT HIGGINS,

8 Third Party Defendants.

9 COMES NOW, Defendants/Counterclaimants/Third Party Plaintiffs The Eljen Group,
10 LLC, Elven E. Jennings, Jack Elkins, and Steve Harper, by and through their undersigned
11 counsel, and hereby stipulate and agree, pursuant to Fed. R.Civ. P. 15(a)(2) to permit
12 Defendants/Counterclaimants/Third Party Plaintiffs The Eljen Group, LLC, Elven E.
13 Jennings, Jack Elkins, and Steve Harper to include in their responsive pleading to No.8 Mine,
14 LLC's Second Amended Complaint and David Tackett's Counterclaim additional
15 counterclaims/third party claims as follows:

- 16 1. Amend the fraud cause of action against No. 8 Mine, LLC and David Tackett to
17 add more specificity;
- 18 2. Add a breach of payment on promissory note cause of action against No. 8 Mine,
19 LLC and David Tackett.
- 20 3. Various other revisions to clarify the factual allegations contained in the
21 previously filed pleading.

22 Defendant/Counterclaimant/Third Party Plaintiff Frank Lente filed bankruptcy on or
23 about August 30, 2019. See Notice of Bankruptcy [Doc. 109]. Accordingly, Mr. Lente is not
24 a party to this Stipulation.

25 DATED this 20th day of September, 2019.

26 SMIDT, REIST & KELEHER

27 DATED this 20th day of September, 2019.

28 WOODBURN AND WEDGE

1
2 /s/ Michael Carrico

MICHAEL CARRICO
4811A Hardware Dr. NW, Suite 4
Albuquerque, New Mexico 87109
Telephone: (505) 830-2200
Facsimile: (505) 830-4400
mcarrico@srklawnm.com

3 /s/ Dane Anderson

DANE W. ANDERSON
Nevada Bar No. 6883
6100 Neil Road, Suite 500
Reno, Nevada 89511
Telephone: (775) 688-3000
Facsimile: (775) 688-3088
danderson@woodburnandwedge.com

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*Attorneys for The Eljen Group, LLC, Elven
E. Jennings, Jack Elkins, Frank Lente and
Steve Harper, Defendants/Counter
Plaintiffs/Third-Party Plaintiffs in Case
No. 3:18-CV-00104-WGC*

11 DATED this 20 th day of September, 2019.

12 FABIAN VANCOTT

13 /s/ Jeffrey B. Setness

14 JEFFREY B. SETNESS, ESQ.
Nevada Bar No. 2820
15 411 East Bonneville Avenue, Suite 400
Las Vegas, Nevada 89101
16 Telephone: (702) 333-4900
Facsimile: (877) 898-1168
17 jsetness@fabianvancott.com

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19 *Attorneys for Defendant David Tackett in Case No. 3:18-CV-00028-WGC
Attorneys for Plaintiff/Counter Defendant No. 8 Mine, LLC and Counter
Defendant/Third Party Defendants David Tackett in Case No. 3:18-CV-00104-WGC*

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21 * * *

22 **ORDER**

23 IT IS SO ORDERED.

24 DATED: September 23, 2019.

25
26 William G. Cobb

27 THE HONORABLE WILLIAM G. COBB
UNITED STATES MAGISTRATE JUDGE